

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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**ROGER PICKLER and  
MARILYNN PICKLER,**

**Plaintiffs,**

**v.**

**No. 2:09-cv-02490-cgc**

**TASTY BUFFET, INC.,**

**Defendant.**

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**ORDER STRIKING DEFENDANT’S REPLY TO PLAINTIFF’S RESPONSE TO  
ORDER TO SHOW CAUSE, DEFENDANT’S SUPPLEMENTAL REPLY TO  
PLAINTIFFS’ RESPONSE TO ORDER TO SHOW CAUSE, AND PLAINTIFFS’  
RESPONSE TO DEFENDANT’S REPLY AND SUPPLEMENTAL REPLY TO  
PLAINTIFFS’ RESPONSE TO ORDER TO SHOW CAUSE**

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On April 16, 2010, Defendant Tasty Buffet, Inc. filed a Motion to Dismiss for Failure to Comply with Discovery Order (D.E. #17). Pursuant to Local Rule 7.2(a)(2), the opposing party shall file a response within fifteen days after service of the motion, and failure to respond timely may be deemed good grounds for granting the motion. Plaintiffs filed no response within this period.

On May 17, 2010, the Court ordered Plaintiffs to show cause within fourteen days of the entry of the Order as to why the Court should not dismiss the Complaint pursuant to Rule 37 of the Federal Rules of Civil Procedure. Plaintiffs responded to the Court’s Order to Show Cause on June 1, 2010.

Pursuant to the Court’s Scheduling Order in the instant case, “[n]either party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the

reasons for which a reply is required.” Without seeking leave of Court, Defendant filed a Reply to Plaintiff’s Response to Order to Show Cause (D.E. #21) and a Supplemental Reply to Plaintiff’s Response to Order to Show Cause (D.E. #22) on June 1, 2010. Also without seeking leave of Court, Plaintiffs filed a Response to Defendant’s Reply and Supplemental Reply to Plaintiff’s Response to Order to Show Cause (D.E. #23) on June 2, 2010. Because these filings are not authorized pursuant to the Scheduling Order, the Court ORDERS that the aforementioned documents be STRICKEN.

**IT IS SO ORDERED** this 22nd day of June, 2010.

s/ Charmiane G. Claxton  
CHARMIANE G. CLAXTON  
UNITED STATES MAGISTRATE JUDGE